

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings includes changes to FIGS. 20A and 20B.

Attachments: Replacement sheets containing amended FIGS. 20A and 20B.

REMARKS

Claims 39, 40, 42, 45-51, 56, 57, 59, 62-68, 72, 73, 88, 89, 91, 94-100 and 104-107 have been amended. Claims 41, 43, 58, 60, 90 and 92 have been cancelled, without prejudice. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

The statement that claims 41, 43-55, 58, 60-87, 90 and 92-108 are allowable if rewritten in independent form is gratefully acknowledged.

The drawings stand objected to under 37 CFR 1.83(a). FIGS. 20A and 20B have been amended to include the features "a first direction" and "a second direction." Accordingly, Applicant requests the replacement drawings for FIGS. 20A and 20B be accepted and the objection be withdrawn.

Claims 39-108 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The rejection is respectfully traversed. The claims have been amended to overcome the rejection. The phrase "first addresses . . . continuously increasing in a first direction" has been replaced with "first addresses . . . continuously increasing in numerical value in a first direction with respect to a radial position of the recording medium." Thus, the "first addresses" correspond to increasing numerical values of addresses and "a first direction" corresponds to a direction with respect to a radial position of the recording medium. Likewise, the phrase "second addresses . . . continuously increasing in a second direction" has been replaced with "second addresses . . . continuously increasing in numerical value in a second direction opposite to the first direction with respect to the radial position."

The Office Action rejects the phrase "highest address" as "vague because there is no lowest address being claimed." Page 3. Applicant respectfully assert that there is no need to define the lowest address in the claims in order to satisfy 35 U.S.C. § 112, second paragraph. As described from lines 2 through 11 of page 56 of the Specification, the objective for obtaining the area having the largest end address from the areas where the bit values of the bitmap information are "0" is to

clearly distinguish the area to which dummy data is recorded from the area to which user data is recorded. Thus, Applicant does not believe that there is a need to define the lowest address in the claims. However, in order to advance prosecution, Applicant has amended the phrase “highest address of unrecorded area in the second data area” to recite “largest address of unrecorded area in the second data area,” in which the second data area has “a plurality of second addresses” “continuously increasing in numerical value in a second direction.” Accordingly, Applicant requests the rejection be withdrawn and the claims allowed.

Claims 39, 40, 42, 56, 57, 59, 88, 89 and 91 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,260,039 (“Suh”). The rejection is respectfully traversed.

Independent claims 39 and 40 have been amended to incorporate the allowable subject matter of claim 41. Independent claim 42 has been amended to incorporate the allowable subject matter of claim 43. Independent claims 56 and 57 have been amended to incorporate the allowable subject matter of claim 58. Independent claim 59 has been amended to incorporate the allowable subject matter of claim 60. Independent claims 88 and 89 have been amended to incorporate the allowable subject matter of claim 90. Independent claim 91 has been amended to incorporate the allowable subject matter of claim 92. Thus, the rejection should be withdrawn and the claims allowed.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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Attachments